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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

| | | |
|------------------------------|---|---------------------------|
| ALASKA RENT-A-CAR, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. A03-029 CV [TMB] |
| |) | |
| CENDANT CORPORATION, et al., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

**MEMORANDUM IN SUPPORT OF MOTION
FOR AN EXTENSION OF TIME TO FILE OPPOSITIONS TO
PLAINTIFF'S DISPOSITIVE MOTIONS**

Defendants have respectfully moved this court for additional time to file their oppositions to the following eight dispositive motions filed by the Plaintiff in this case:

- Motion for Partial Summary Judgment on Counts I and II of the First Amended Complaint [Breach of Contract];
- Motion for Partial Summary Judgment on Breach of The Implied Covenant of Good Faith and Fair Dealing;
- Motion to Disregard Defendants' Corporate Form and Pierce the Corporate Veil;
- Motion for Summary Judgment for Damages;
- Motion and Memorandum in Support of Motion for Summary Judgment on Permanent Injunctive Relief and Specific Performance;
- Motion for Partial Summary Judgment Re: Anti-Trust;
- Motion for Partial Summary Judgment on Count VI of the First Amended Complaint for Violation of Alaska Unfair Trade Practices and Consumer Protection Act (as 45.50.471);
- Motion for Declaratory and Injunctive Relief Relating to the Breakup of Cendant Corporation.

For several reasons, an extension is warranted under the circumstances. First, the eight dispositive motions filed by Plaintiff are lengthy and require extensive efforts to prepare and file oppositions to the motions. Second, the attorney primarily responsible for coordinating the Defendants' response, Barry Heller, has had a family emergency that is interfering with Defendants' ability to complete the briefs.

Defendants have made every effort to file their opposition pleadings by Friday, August 4, 2006, the date that Defendants understood the oppositions to be due. Defendants have had several lawyers working on preparing responsive

pleadings to the eight dispositive motions filed by Plaintiff. Plaintiff's motions entailed 314 pages of briefing and at least three feet worth of exhibits, and included hundreds of references to deposition testimony.

Defendants' preparation of their oppositions has required the review of the hundreds of pages of exhibits and the hundreds of references to deposition testimony submitted by Plaintiff. Plaintiff took more than 50 depositions in this case and has submitted facts allegedly supported by deposition testimony from numerous deponents. Defendants have produced more than 400,000 pages of documents. The sheer volume of "facts" submitted by Plaintiff has required a significant effort by Defendants and their counsel to review the evidence to identify disputed issues of fact which demonstrate that Plaintiff is not entitled to summary judgment.

In summary, Defendants and their counsel have diligently worked to prepare Defendants' oppositions to the Plaintiff's motions and to prepare declarations and exhibits necessary to support such oppositions. Plaintiff's briefing is extensive. The sudden family emergency of one of Defendants' key attorneys, has further impaired the ability of Defendants' to complete their oppositions within the time required. Consequently, Defendants respectfully request a two-week extension of time to file their oppositions to the Plaintiff's eight dispositive motions.

DATED this 3rd day of August, 2006.

Respectfully submitted,

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By: /s/ Diane F. Vallentine
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Memorandum in Support of Motion for Extension of Time to File Oppositions to Plaintiff's Dispositive Motions **was served on this ____ day of August, 2006 by PDF and U.S. First Class mail, postage prepaid, to the following counsel:**

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